

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA  
Title III

No. 17 BK 3283-LTS

Jointly Administered

**INFORMATIVE MOTION REGARDING ATTENDANCE AT  
JULY 24, 2019 HEARING**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Adversary Defendants,<sup>2</sup>, consisting of defendants named in the Complaint (defined below) filed on May 2, 2019, on behalf of the Commonwealth of Puerto Rico by the Financial

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> The Adversary Defendants consist of the following entities: Barclays Capital Inc.; BMO Capital Markets GKST Inc.; Goldman Sachs & Co. LLC; Jefferies LLC; J.P. Morgan Securities LLC; Merrill Lynch, Pierce, Fenner & Smith Inc. (successor to Banc of America Securities LLC) and Merrill Lynch Capital Services, Inc.; Mesirow Financial, Inc.; Morgan Stanley & Co LLC; RBC Capital Markets, LLC; Samuel A. Ramirez & Co., Inc.; Scotiabank de Puerto Rico; and UBS Financial Services Inc. of Puerto Rico. The Complaint misidentifies various legal entities and incorrectly names as defendants other parties that were not involved in the underwritings or other matters implicated in the Complaint – including but not limited to BMO Capital Markets, Jefferies Group LLC, JPMorgan Chase & Co., BofA Securities and Scotia MSD. The incorrectly named parties, as well as the Adversary Defendants joining this Motion, reserve all rights and defenses relating to Plaintiffs' incorrect identifications in the Complaint, including but not limited to defenses based upon lack of personal jurisdiction.

Oversight and Management Board (“FOMB”), acting through its Special Claims Committee and the Official Committee of Unsecured Creditors, through the appearing designated counsel, hereby submits this Informative Motion in response to this Honorable Court’s *Order Regarding Procedures for Attendance, Participation and Observation of July 24-25, 2019 Omnibus Hearing* [Case No. 17-BK-3283-LTS, Dkt. No. 7963], setting forth guidelines for parties wishing to be heard at the July 24, 2019 hearing (the “Hearing”), and respectfully INFORMS:

1. Julie E. Cohen and Jason M. Liberi of Skadden, Arps, Slate, Meagher & Flom LLP, will appear in person on behalf of the Adversary Defendants at the Hearing in Courtroom 3 of the United States District Court for the District of Puerto Rico, 150 Carlos Chardón Street, Federal Building, San Juan, Puerto Rico 00918-1767. Counsel seeks to be heard and address the following:

- a. *Joint Motion of Certain Adversary Defendants Seeking Entry of an Order Authorizing Participation in Determination of Constitutional Validity of Challenged Bonds* [Case No. 17-BK-3283-LTS, Dkt. No. 7747] (the “Motion to Participate”);
- b. *Objection of the Official Committee of Unsecured Creditors to Joint Motion of Certain Adversary Defendants Seeking Entry of an Order Authorizing Participation in Determination of Constitutional Validity of Challenged Bonds* [Case No. 17-BK-3283-LTS, Dkt. No. 7894];
- c. *Urgent Motion for Stay of Adversary Proceeding Supplemental to Pending Motion to Stay GO Bond Proceedings Pending Confirmation of Commonwealth Plan of Adjustment* [Case No. 17-BK-3283-LTS, Dkt. No. 7882];

- d. *Reply to Objection of the Official Committee of Unsecured Creditors to Joint Motion of Certain Adversary Defendants Seeking Entry of an Order Authorizing Participation in Determination of Constitutional Validity of Challenged Bonds and Opposition to Urgent Motion for Stay of Adversary Proceeding Supplemental to Pending Motion to Stay GO Bond Proceedings Pending Confirmation of Commonwealth Plan of Adjustment* [Case No. 17-BK-3283-LTS, Dkt. No. 8028];
- e. *Objection of the Official Committee of Unsecured Creditors to Urgent Motion for Stay of Adversary Proceeding Supplemental to Pending Motion to Stay GO Bond Proceedings Pending Confirmation of Commonwealth Plan of Adjustment* [Case No. 17-03283-LTS, Dkt. No. 8062];
- f. Any other objections, responses, statements, joinders, replies or responsive pleadings related to the Motion to Participate.

2. Luis N. Saldaña-Román and Ángel E. Rotger Sabat of Saldaña, Carvajal & Vélez-Rivé, P.S.C., as local counsel for Morgan Stanley & Co. LLC, and associated with the admissions of Ms. Cohen and Mr. Liberi, will appear at the Hearing in the San Juan courtroom, but do not seek to be heard.

3. Furthermore, designated counsel, on behalf of Adversary Defendants, respectfully reserves the right to respond, as necessary, to statements made at the Hearing or otherwise by any party in connection with the Title III case.

**WHEREFORE**, designated counsel, on behalf of Adversary Defendants, respectfully request this Honorable Court to take notice of the information stated above.

**CERTIFICATE OF SERVICE**

We hereby certify that on this date, we electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel who have filed appearances in this case.

**RESPECTFULLY SUBMITTED,**

Dated: July 18, 2019.

SALDANA, CARVAJAL & VELEZ-RIVE, P.S.C.

/s/ Luis N. Saldaña-Román

Luis N. Saldaña-Román

USDC-PR No. 208001

/s/ Ángel E. Rotger-Sabat

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